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Rogier Receveur

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MEDTRONIC, INC.
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EXAMINER

MANUEL, GEORGE C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 January 2009 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The surface areas lack quantitative indexing to determine the relationship of what comprises a smaller surface area.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prutchi et al (US 5,556,421) in view of Karicherla et al (US 7,347,826).

Prutchi et al teach a container may have a hermetically-sealed chamber housing electrical components therein. Header 20 comprises physiological parameter sensors 32, 34 and 36. Conductors 42, 44 and 46 shown in FIG. 1 may each comprise two, three or more discrete conductors depending upon the requirements of the particular sensor employed. Conductors 42, 44 and 46 pass from header 20 into housing 14 via feedthroughs 37, 38 and 39, respectively. Sensor 36 may be a temperature sensor.

Karicherla et al disclose a packaged sensor device 24 which comprises an insulating substrate 30 with a feedthrough region 32 extending between proximal and distal ends 34, 36, respectively, of the substrate. The substrate 30 may be composed, for example, of ceramic material or glass. Sensor 46 may be a temperature sensor or a pressure sensor or it may be, for example, an integrated pressure and temperature sensor chip. The examiner is interpreting a pin to comprise either of the bond wires 42 or 44 which connect the distal ends of the electrical conductors 38 and 40 to the external sensor 46 on the substrate 30.

One of ordinary skill in the art would have found it obvious to combine the temperature and pressure sensor teachings of Karicherla et al with the feedthrough header teachings of Prutchi et al to form a pacemaker which is adaptable to sensing both pressure and temperature to more effectively pace the heart of a patient.

Regarding claim 4, one of ordinary skill in the art would have found it obvious to form the pin or bond wires 42 and 44 in a hollow configuration to reduce the weight and thus make the implantable device lighter and more comfortable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerver (US 6,223,081).

Kerver discloses a sleeve comprising bore 31 hermetically sealed using epoxy. The feedthrough is shown in Fig. 1 having an insulator comprising assembly 32 and a pin comprising a hollow, fluid-filled interior with a proximal end 36. The fluid medium within the tube 37 may comprise air, or a suitable gel which transmits the pressure signals.

The pressure sensor element is constructed from two membranes, a first membrane comprising a silicon back plate 65 and a second membrane comprising a silicon diaphragm 68.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.

/George Manuel/
Primary Examiner
Art Unit: 3762

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